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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 LAVELLE MONTE SMITH,


11 Defendant.  
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Case No. 2:11-CR-00363-KJD-GWF

**ORDER**

13 Before the Court is Defendant Lavelle Monte Smith's ("Smith") Motion for Return of  
14 Property (#31). Defendant Smith seeks the return of his cellular phone which, to the best of the  
15 Court's knowledge, was seized along with Defendant by the Las Vegas Metropolitan Police  
16 Department (LVMPD). (#1, 3:12-13). Further, it appears that the phone was transferred with  
17 Defendant to the Spring Mountain hospital (#1, 5:8-11). It remains unclear what entity—if  
18 any—currently possesses the phone. This Court's jurisdiction also remains unclear. Accordingly,  
19 Defendant's Motion for Return of Property (#31) is **DISMISSED** without prejudice. Defendant may  
20 file a Renewed Motion for Return of Property if and when Defendant is able to establish that this  
21 Court has jurisdiction over the specific entity which retains the phone.

22 DATED this 9th day of September 2013.  
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26 Kent J. Dawson  
United States District Judge